

## **§ XXXX. Identity Verification Requirement.**

(a) Definitions. For purposes of this section, the following terms shall have the following meanings:

(1) RIDP: Remote Identity Proofing Process.

(2) FDSH: Federal Data Service Hub.

(3) Exchange Affiliate: customer service representative, certified enrollment counselor, certified insurance agent, certified plan-based enroller, county eligibility worker, or other individual authorized by the Exchange to accept health insurance applications on behalf of the Exchange.

(b) Applicants must verify their identity before submitting an application for health insurance through the Exchange's individual market.

(c) Applicants submitting paper applications for health insurance through the Exchange shall verify their identity by signing in ink, under penalty of perjury, the declaration and signature section of the Exchange's paper application. The Exchange shall not accept or process any paper application lacking an attestation of identity signed by the applicant in ink under penalty of perjury.

(d) Applicants submitting non-paper applications for health insurance through the Exchange (i.e., through the Exchange website or through an Exchange Affiliate, whether in person, by telephone, or otherwise) shall verify their identity through the FDSH RIDP service or through the process set forth in subsections (e)(2) or (e)(3), below. If an applicant chooses to use the FDSH RIDP service, the Exchange or Exchange Affiliate shall use the FDSH RIDP service to present the applicant with a list of personalized questions and multiple choice answers based on information pertaining to the claimed identity of the applicant. These questions may pertain, without limitation, to the applicant's credit history, residential history, or other identifying attributes. Based on the accuracy of the applicant's answers to these questions, the FDSH RIDP service will inform the Exchange or Exchange Affiliate whether the applicant's identity has been verified.

(1) If the FDSH RIDP service reports that the applicant's identity has been verified, the Exchange or Exchange Affiliate shall permit the applicant to submit a non-paper application for health insurance.

(2) If the FDSH RIDP service reports that the applicant's identity has not been verified, the Exchange or Exchange Affiliate shall provide the

applicant a Referral ID and a telephone number to call to undergo an alternative identity verification process.

(e) Alternative identity verification process. Neither the Exchange nor an Exchange Affiliate shall accept a non-paper application for health insurance from an applicant who fails the initial FDSH RIDP process until:

(1) the FDSH RIDP service informs the Exchange or Exchange Affiliate that the applicant has successfully completed the alternative identity verification process by calling the telephone number provided and successfully answering additional personalized questions; or

(2) the applicant presents in person to an Exchange Affiliate and shows acceptable proof of identity or a copy thereof. Acceptable proof of identity is:

(i) a valid identification card issued by a federal, state, or local governmental entity that bears a recognizable photograph of the applicant, or

(ii) two of the following: a birth certificate, Social Security card, marriage certificate, divorce decree, employer identification card, high school or college diploma (including high school equivalency diplomas), and a property deed or title.

or;

(3) the applicant mails or electronically transmits to the Exchange or Exchange Affiliate a copy of the acceptable proof of identity referenced in subsection (e)(2).

(f) An applicant who successfully completes the identity verification requirements set forth in this section may, if otherwise permitted, apply for health insurance for members of his or her household without those household members satisfying the requirements set forth in this section.

AUTHORITY: Gov't Code § 100503(a).

REFERENCE: 45 CFR 155.250.